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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-sixth session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Mr. Alfonso Martínez, Mr. Bengoa, Mr. El-Hajje, Mr. Khan and Mr. Ramadhane: draft resolution

Situation in the Palestinian and other Arab territories occupied by Israel

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, in particular the principles of equal rights and self-determination of all peoples,

Mindful of the principles and humanitarian provisions of the Geneva Conventions of 12 August 1949 for the protection of war victims, of the principles and provisions of international law and of the obligations arising from the Regulations concerning the Laws and Customs of War on Land, annexed to the Hague Convention IV of 1907,

Recalling that, in accordance with article 1 of the Geneva Conventions of 12 August 1949, all States parties to the Conventions have undertaken to respect and to ensure respect for the Conventions in all circumstances,

Recalling also all the resolutions of the General Assembly and the Commission on Human Rights condemning the practices of the Israeli occupation authorities in the Palestinian and other Arab territories occupied by Israel which affirm the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to these territories, in particular Commission on Human Rights resolutions 1994/3 and 1994/5 both of 18 February 1994,

Recalling further the relevant Security Council resolutions, in particular resolutions 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988, 636 (1989) of 6 July 1989, 681 (1990) of 20 December 1990, 726 (1992) of 6 January 1992 and 799 (1992) of 18 December 1992,

Taking note of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly and the relevant reports of the International Labour Organisation and the World Health Organization,

Reaffirming its previous resolutions in this respect, the most recent being resolution 1993/15 of 20 August 1993,

Deeply alarmed at the persistent refusal of Israel to respect the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to apply it to the Palestinians in the occupied Palestinian territories,

Welcoming the signing of the Declaration of Principles on Interim Self-Government by the Government of Israel and the Palestine Liberation Organization on 13 September 1993, which aims at putting an end to human rights violations, as it would lead to a complete withdrawal of Israeli forces from occupied Palestinian and other Arab territories and enable the Palestinian people to exercise their national rights, mainly the right to self-determination without foreign interference,

1. Reaffirms that the ongoing Israeli occupation of Palestinian and other Arab territories, including Jerusalem, itself constitutes a gross and systematic violation of human rights and an aggression under international law;

2. Also reaffirms that the continued human rights violations in the occupied Palestinian and other Arab territories after the signing of the said accord, as happened at the Tomb of the Patriarchs of Hebron in February 1994, the massacre at the AERZ roadblock at the entry point to the Gaza Strip on 17 July 1994, the Israeli forces' entry by force into Victoria Hospital in Jerusalem in July 1994 and the continued imposition of collective punishment and isolation of occupied areas, all constitute grave violations of the principles of international humanitarian law and of the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, of the Universal Declaration of Human Rights, of the International Covenant on Economic, Social and Cultural Rights and of the International Covenant on Civil and Political Rights;

3. Further reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Palestinians and to the Palestinian and other Arab territories occupied by Israel, and that the continued disregard and rejection of the provisions of the Convention by Israel constitute gross violations of the principles of international humanitarian law;

4. Calls upon the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to ensure respect by Israel for the Convention and to secure protection for the Palestinian people under occupation, until the end of this occupation, in accordance with article 1 of the Convention;

5. Reaffirms the inalienable rights of the Palestinian people to return to their homeland in accordance with General Assembly resolution 194 (III) of 11 December 1948, to self-determination without foreign interference and to establish their independent sovereign State on their national soil, in accordance with the principles and provisions of the Charter of the United Nations and with resolutions of the General Assembly and of the Commission on Human Rights;

6. Condemns the policy of Israel for:

(a) Its rejection of the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian and other occupied Arab territories, and calls upon Israel to respect its international obligations;

(b) Its gross violations of the rules of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

(c) Establishing Israeli settlements in the Palestinian and other occupied Arab territories, and calls for them to be dismantled and confirms that all measures taken by Israel with the purpose of annexing, or of altering the demographic, cultural, religious or other character of, those territories, including Jerusalem, are illegal, null and void;

(d) Its continued occupation of the Syrian Golan and its defiance of the relevant United Nations resolutions, in particular Security Council resolution 497 (1981) of 17 December 1981, and reaffirms that the decision by Israel in 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void;

(e) The inhuman treatment and practices in violation of human rights which the Israeli occupation authorities continue to exercise against Syrian Arab citizens in the occupied Syrian Golan for their refusal to carry Israeli identity cards and in order to force them to carry such cards, which practices constitute a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and requests all States and competent international organizations not to recognize any Israeli laws, jurisdiction or administration in respect of the occupied Syrian territory;

7. Requests the Secretary-General to provide the Sub-Commission, at its forty-seventh session, with an updated list of reports, studies, statistics and other documents relating to the question of the Palestinian and other occupied Arab territories, with the texts of the most recent relevant United Nations decisions and resolutions and the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, and with all other information relevant to the implementation of the present resolution.